REMARKS

This Amendment is filed in response to the FINAL Office Action mailed July 1, 2005, and in response to the Advisory Action mailed on September 27, 2005, and in the Request for Continued Examination (RCE) filed on even date herewith. All objections and rejections are respectfully traversed.

Claims 1-33 are in the case.

No Claims were amended.

No new claims were added.

Please enter and consider the Amendment after FINAL Rejection under 37 C.F.R. 1.116 filed on August 25, 2005.

Applicant respectfully requests an interview with the Examiner concerning the allowability of the claims of this Application for United States Patent. Please contact applicant's undersigned attorney at telephone number 617-951-3028.

In the Advisory Action mailed on September 27, 2005, it is stated:

"The Examiner has provided substantial lines of evidence as to where each limitation is found in the cited references. In fact, Applicants are interpreting the claims very narrow using the specification without considering the broad teaching of the references stated in the rejection. Applicants cannot rely on the specification to impart to the claims limitations not recited therein."

Applicant disagrees with the Examiner's analysis, because Applicant is not reading limitations from the specification into the claims. Applicant is simply pointing out that in being his own lexicographer, the definitions of the terms are in the Specification, and also explaining where in the Specification the definitions may be found.

In the FINAL Office Action mailed on July 1, 2005, at Paragraphs 3-5 Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Madnick U.S. Patent No. 6,282,537, and the Examiner states, at Paragraph 5 Page 3:

"Madnick anticipates independent claim 1 by the following:
"...identifying, from a descriptor look up table, a series of actions to perform on elements..." at loc. 4, lines 60-63 and col. 10, lines 7-12.
"...of the file access data structure..." at col. 12, lines 63-65.
"...and performing the identified series of actions on the elements..." at col. 4, lines 60-63 and col. 10, lines 7-12.
"...of the file access data structure..." at col. 12, lines 63-65."

The present invention, as set out in representative Claim 1, comprises in part:

1. A method for converting a file access data structure from a first endianness to a second endianness, the method comprising the steps of:

  identifying, from a descriptor look up table, a series of actions to perform on elements of the file access data structure; and

  performing the identified series of actions on the elements of the file access data structure.

In the Amendment filed on August 29, 2005, Applicant explained that Madnick does not anticipate claim 1, as follows:

'Madnick discloses using a structured query language to query

both structured and semi-structured data sources. Structured data sources

are defined as traditional databases and semi-structured data sources are

defined as data sources that do not usually respond to traditional structured

queries. *See* col. 9, lines 18-23. Examples of semi-structured data sources

include HTML documents, menu-driven databases, and other data files not

arranged as relational databases. *See* col. 2, lines 33-41. An HTML "de-

scriptor file" is associated with each semi-structured data source, and de-

fines which data elements are available from the source and the actions

needed to retrieve the data elements. *See* col. 10, lines 6-18 and Fig 7.

When the system requests particular data, the descriptor file assists the

system in retrieving the requested data. *See* col. 2, lines 41-48 and col. 10,

lines 55-67.

Applicant respectfully urges that Madnick is silent concerning the

Applicant's claimed *"identifying, from a descriptor look up table, a se-*

ries of actions to perform on elements of the file access data structure."

Specifically, Madnick contains no disclosure of using *a descriptor*

lookup table with a *file access data structure.* Instead, Madnick uses an

HTML descriptor file with a "semi-structured data source," which in-

volves very different types of structures.'

Further, Applicant respectfully urges that no descriptor look up table is disclosed

by Madnick at col. 4 lines 60-63 and col. 10, lines 7-12, and at these locations Madnick

states:

"For example, the data contexts 108-118 may be stored as a directory of URL
(Uniform Resource Locator) addresses which identify the location of each data context
108-116" (Madnick col. 4 lines 60-63)

"Each data source 104 so registered has a descriptor file, in some embodiments
the descriptor file is a HTML document. Each descriptor file contains information about
the registered data source 104, including an export schema which defines what data ele-
ments are available from the source, a specification file which describes the actions
needed to be performed in order to retrieve data values from the site, and an address for
the actual source of the data, such as an URL. In some embodiments, the descriptor file
may contain an indication of the capabilities of the source. An example of a description
file 702 is shown in Fig. 7. The descriptor file 702 can contain actual data or, as shown
in Fig. 7, the descriptor file 702 may be a directory of URL addresses which locate neces-
sary information about the data source 104" (Madnick Col 10, lines 6-19)

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Again, Applicant respectfully urges that Madnick is silent concerning Applicant's claimed novel *identifying, from a descriptor look up table, a series of actions to perform on elements of the file access data structure.*

Specifically, Madnick contains no disclosure of using *a descriptor lookup table* with a *file access data structure.* In sharp contrast, Madnick uses an HTML descriptor file with a "semi-structured data source," which involves structure totally different from Applicant's claimed novel *identifying, from a descriptor look up table, a series of actions to perform on elements of the file access data structure.*

Further, Applicant respectfully urges that Madnick has no disclosure of Applicant's claimed novel *performing the identified series of actions on the elements of the file access data structure.*

Accordingly, Applicant respectfully urges that Madnick is legally precluded from anticipating Claim 1 under 35 U.S.C. 102(e) because of the absence from Madnick of any disclosure of Applicant's claimed novel *identifying, from a descriptor look up table, a series of actions to perform on elements of the file access data structure . . . performing the identified series of actions on the elements of the file access data structure.*

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In the FINAL Office Action mailed on July 1, 2005, at Paragraphs 6-9, Claims

16-18 were rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah U.

S. Patent No. 6,434,568 issued August 13, 2002.

The present invention, as set forth in representative claim 16, comprises in part:

16. (ORIGINAL) A method for converting elements of a file access data structure from a first endianness to a second endianness, the method comprising the steps of:

determining a type of the file access data structure;

processing, in response to the file access data structure of being of a first type, the file access data structure along a first processing path;

processing, in response to the file access data structure being of a second type, the file access data structure along a second processing path.

In the Amendment filed on August 29, 2005, Applicant explained that Bowman-

Amuah does not anticipate claims 16-18 as follows:

'Bowman-Amuah discloses a communication system which uses a

client to retrieve data "objects" from databases. Various retrieval, net-

working and translation processes are utilized to interface between the cli-

ent and the databases. Some features of the disclosed system include:

- Generating reports from the data retrieved with an "identification func-

tion" that responds to "general information about the request, such as a re-

port type." *See* col. 112, line 66 to col. 113, line 6.

- A file sharing service that has an "integrated file directory" that includes all accessible directories of the file sharing service. *See* col. 59, line 47 to col. 60, line 3.

- Debugging using a component based programming style (as opposed to object-oriented or procedural programming) that allows "a large number of potential test execution paths." *See* col. 172, lines 50-64.

The Applicant respectfully urges that Bowman-Amuah is silent concerning the Applicant's claimed "*determining a type of the file access data structure*" and "*processing, in response to the file access data structure of being of a first type, the file access data structure along a first processing path*" and "*processing, in response to the file access data structure being of a second type, the file access data structure along a second processing path.*"

At paragraph 43 of the Examiner's Response to Arguments in the Final Office Action, the Examiner cites wording from a number of disparate passages in Bowman-Amuah that relate to report generation, file sharing, debugging and other diverse topics. The Applicant respectfully asserts that these disjoint passages from Bowman-Amuah bear little relation to each other and even less relation to the Applicant's invention.

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For example, in paragraph 43 of the Final Office Action, the Examiner alleges Applicant's claimed *"determining a type of file access data structure"* is anticipated by Bowman-Amuah's report generator that determines a "report type" for summary reports, combined with Bowman-Amuah's "integrated file directory" of a file sharing system. *See* also col. 112, line 66 to col. 113, line 6, and col. 59, line 47 to col. 60, line 3. Such descriptions deals with two different aspects of Bowman-Amuah's system, and phrases describing one such aspect are not intended to modify the other. That is, a description of "types" of reports is not a disclosure of "types" of "integrated file directory."

The Applicant respectfully directs the Examiners attention to MPEP §2141.02 that provides "A prior art reference must be considered in its entirety, i.e. as a whole." Accordingly, it is improper to select isolated phases from a reference and combine them out of context.

The Applicant novelly claims *determining a type of the file access data structure.* As discussed above, a *file access data structure* is a "data structure[s] associated with structure-based networking or file access protocols, such as the Direct Access File System, CIFS or NFS or other protocols in which packets are sent/received in non-native byte order" (emphasis added). Bowman-Amuah is completely silent regarding such a structure. Bowman-Amuah's "integrated file directory" is merely a root directory of a file sharing system and does not even have a "type" that

may be determined. As discussed above, the description of "types" in Bowman-Amuah's is instead related to report types, a completely different topic.

The Applicant further novelly claims *processing, in response to the file access data structure of being of a first type, the file access data structure along a first processing path* and *processing, in response to the file access data structure being of a second type, the file access data structure along a second processing path.* As Bowman-Amuah does not disclose determining a type of a file access data structure, it can not possible disclose processing in response to differing types.

Accordingly, the Applicant respectfully urges that Bowman-Amuah is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *"determining a type of the file access data structure"* and *"processing, in response to the file access data structure of being of a first type, the file access data structure along a first processing path"* and *"processing, in response to the file access data structure being of a second type, the file access data structure along a second processing path."'*

At Paragraphs 10-15 of the FINAL Office Action mailed on July 1, 2005, Claims 2, 11, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah and Lee U. S. Patent No. 5,867,690 issued February 2, 1999.

Again, Applicant explained in the Rule 116 Amendment filed on August 25, 2005, why the individual sections of Bowman-Amuah cited by the Examiner do not render Applicant's claimed invention obvious under 35 U.S.C. 103(a), as follows:

'Lee discloses s system to convert data from one Endean format to another Endean format, where the system has a hardware byte swapping device connected between a processor that uses one Endean format and a data storage system that uses a second endian format. *See* col. 3, lines 55-66. The hardware byte swapping device swaps bytes as a stream of data passes through the device. *See* col. 3, lines 4-14. In one embodiment, a processor controls the hardware byte swapping device via a control bus that is activated by signals from the processor. *See* col. 4 lines 40-48.

Applicant's claim 2, representative in part of the other rejected claims, sets forth:

2. A method of converting elements of a file access data structure from a first endianness to a second endianness, the method comprising the steps of:
 determining if the file access data structure is a critical path data structure;

> *converting, in response to the file access data structure being a*
> *critical path data structure, the elements* from the first endianness to the
> second endianness *using a set of specific code functions*;
> *converting, in response to the file access data structure not being*
> *a critical path data structure, a header* of the file access data structure
> from the first endianness to the second endianness *using a second set of*
> *specific code functions*; and
> calling a byte swapping engine to convert selected elements of the
> file access data structure from the first byte order to the second byte order.

The Applicant respectfully urges that neither Bowman-Amuah nor

Lee disclose the Applicant's claimed novel "*determining if the file access*

data structure is a critical path data structure" and "*converting, in re-*

sponse to the file access data structure being a critical path data struc-

ture, the elements … using a set of specific code functions" and "*con-*

verting, in response to the file access data structure not being a critical

path data structure, a header … using a second set of specific code

functions."

As a preliminary matter, the Applicant respectfully asserts that the

Examiner has not accorded the term "file access data structure" its proper

definition. The Applicant respectfully directs the Examiner's attention to

the definition of "critical path data structure at page 12, lines 19-24 of the

Specification that states (emphasis added):

The term "critical path data structures", as used herein, is defined

as *commonly utilized data structures*. For example, the DAFS header

data structure is *a critical path data structure as it is utilized many times*

during the course of a network session. If the DAFS data structure received is a *small* or *critical path* data structure, the structure is byte swapped using specific code functions designed for that given data structure in step 415.

Despite this definition, the Examiner states at paragraph 13 of the Office Action the Examiner states "For claims 2 and 15 the term "unimportant" is used to suggest term "non-critical." Critical path as defined by the Applicant is related to the commonness of data structures, not to their importance, and as such this definition is improper.

Neither reference suggests *converting, in response to the file access data structure <u>being a critical path data structure</u>, the elements ... using a set of specific code functions* and *converting, in response to the file access data structure <u>not being a critical path data structure</u>, a header ... using a second set of specific code functions,* from a first endianness to a second endianness. The Examiner admits at paragraph 12 "Bowman-Amuth [sic] does not teach the use of elements of endianness and byte swapping," and instead turns to Lee. But Lee merely discloses a hardware byte swapping device (Fig 5, item 530) that swaps bytes when triggered. Lee does not mention converting bytes differently in response

to a structure being a *critical path data structure*, and is silent concerning multiple sets of *specific code functions*.

Accordingly, the Applicant respectfully urges that Bowman-Amuah in view of Lee is legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant's claimed novel "*determining if the file access data structure is a critical path data structure*" and "*converting, in response to the file access data structure being a critical path data structure, the elements ... using a set of specific code functions*" and "*converting, in response to the file access data structure not being a critical path data structure, a header ... using a second set of specific code functions.*""

Further, Applicant's claimed novel *determining if the file access data structure is a critical path data structure*;

> *converting, in response to the file access data structure being a critical path data structure, the elements* from the first endianness to the second endianness *using a set of specific code functions*;

> *converting, in response to the file access data structure not being a critical path data structure, a header*

claims a logical choice which is entirely absent from the cited patents.

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That is, the logical choice claimed as *converting, in response to the file access data structure being a critical path data structure, . . .* *converting, in response to the file access data structure not being a critical path data structure* is entirely missing from the cited patents.

At Paragraph 12 of the FINAL Office Action, the Examiner states that Bowman-Amuah discloses:

' "...not being a critical path data structure..." at col. 189 lines 40-42, col. 172 lines 60-61, and col. 60 lines 1-3'

Applicant respectfully disagrees. Bowman-Amuah, at col. 189 lines 40-42 states:

"And the overhead of message sends compared to function calls can be unimportant compared to the application I/O" (Bowman-Amuah col. 189 lines 40-42)

Bowman-Amuah, at col. 172 lines 60-61 states:

"utilize flexible, messaging between components that creates a larger number of potential test execution paths" (Bowman-Amuah col. 172 lines 60-61)

Bowman-Amuah, at col. 60 lines 1-3 states:

"Integrated the directory—a logical directory structure that combines all accessible file directories, regardless of the physical directory structure" (Bowman-Amuah col. 60 lines 1-3)

Again, Applicant respectfully urges that the cited patents have no disclosure of

Applicant's claimed novel *converting, in response to the file access data structure being*

a critical path data structure, . . . *converting, in response to the file access*

data structure not being a critical path data structure, and therefore the cited patents,

Bowman-Amuah and Lee, are legally precluded from rendering the claims unpatentable

under 35 U.S.C. 103(a).

Accordingly the representative claims set forth hereinabove, and all other claims

argued in the Amendment under 37 C.F.R. 1.116 filed on August 25, 2005, are believed

to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed

to be in condition for allowance. Accordingly, all dependent claims are believed to be in

condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

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